

enough to wade through its opaque language and complex theoretical debates, it is reassuring and invigorating to witness many of the scholars extolling the value and potential of visual archival records that document the Holocaust. It is quite apparent that, despite the fact that the Holocaust happened seventy years ago, archivists, curators, and scholars will continue to grapple with how best to tell the stories of those involved in a sensitive and compelling manner, as well as how to discover new and innovative ways to interpret these sources and ultimately make them more accessible to audiences around the globe.

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Canadian Copyright Law, 4th ed. LESLEY ELLEN HARRIS. Hoboken, NJ: John Wiley & Sons, 2013. xviii, 350 pp. ISBN 978-1-118-07851-8. **Canadian Copyright: A Citizen's Guide**, 2nd ed. LAURA J. MURRAY and SAMUEL E. TROSOW. Toronto: Between the Lines, 2013. xviii, 286 pp. ISBN 978-1-77113-013-4.

After four attempts,¹ significant amendments to the *Canadian Copyright Act* received royal assent in June 2012, and most of the amendments came into force on 7 November 2012. Although some minor changes have been made in the fifteen years since the last round of amendments in 1997, they did not warrant new editions of the standard reference books on copyright. However, the 2012 amendments and significant case law relating to fair dealing² were the impetus for new editions of Lesley Ellen Harris's *Canadian Copyright Law* and Laura J. Murray and Samuel E. Trosow's *Canadian Copyright: A Citizen's Guide*. This review describes each in turn, including any noteworthy changes from the previous editions, before comparing and evaluating the two volumes from the perspective of the information professional.

Lesley Ellen Harris is a copyright educator, author, and lawyer. This is the fourth edition of *Canadian Copyright Law*; the first appeared in 1991 and the third in 2001. Much has changed in Canadian copyright law in the intervening decade, but Harris has maintained the organization of the content as in the previous editions. Only the chapter on digital copyright and electronic rights has

- 1 Laura J. Murray and Samuel E. Trosow, *Canadian Copyright: A Citizen's Guide*, 2nd ed. (Toronto: Between the Lines, 2013), 28.
- 2 Fair dealing is a limitation on the exclusive rights of a copyright owner that permits use of a work for the specified purposes of research, private study, education, parody, satire, criticism, review, and news reporting.

disappeared; digital formats are now mainstream, and discussion of the application of copyright to digital material has been integrated throughout the book.

The book provides an accessible and comprehensive overview of Canadian copyright law. It is organized into fifteen chapters that lead the reader into the topic by considering the scope of copyright and the history of Canadian copyright law before discussing criteria for protection, copyright ownership and duration, the rights of copyright owners and authors, limitations on those rights, exploiting one's copyright (as an owner), infringement and penalties, and the legal use of protected material. The book concludes with a chapter on American copyright law, which provides a useful overview of how it differs from Canadian copyright law. The book also contains eight appendices, including the statute itself, applications to register copyright, as well as regulations pertaining to libraries, archives, and museums (LAMs), and educational institutions.

The target audience is the lay reader. Harris provides concise summaries of the provisions of the law. The tone is objective: she does not offer commentary or opinions on whether any given provision is good or bad public policy. References have been kept to a minimum and are contained in endnotes. The book does not have a bibliography, just the citations. Its look is somewhat different because Harris has changed publishers; however, readers familiar with previous editions will be able to navigate the content easily.

That there have been four editions in twenty-two years is clear evidence that copyright does not stand still and, consequently, a book on copyright is at risk of becoming outdated. This is the case with licensing Crown copyright (pp. 271–72). When the book went to press, there was a centralized Crown Copyright and Licensing Office. However, in November 2013, that office was disbanded; with decentralization, responsibility for licensing Crown works shifted to the departments. To address such changes in policy, as well as emerging case law and amendments to the statute or regulations, Harris has established a companion blog at www.canadiancopyrightlaw.ca, where the revisions to Crown licensing are reported.

Murray and Trosow published the first edition of *Canadian Copyright: A Citizen's Guide* in 2007. Murray and Trosow are university professors and copyright activists who believe that “widespread knowledge of the law will enable people to make more effective use of it ... to practise fair copyright” (p. x). Murray is in the English department at Queen's University, Kingston, Ontario, and was the originator of the influential Faircopyright.ca blog (which she operated until 2010). Trosow, a former lawyer and law librarian, is cross-appointed to the faculties of Law and Information and Media Studies at Western University, London, Ontario, and is a staunch advocate of fair dealing.

Like its predecessor, the book is organized into four sections, each consisting of a number of chapters: “Ideas” (copyright's rationale and history), “Law” (an overview of the main provisions of the law), “Practice” (the role of copyright in various sectors, e.g., education, journalism, visual arts, LAMs, etc.),

and “Context” (copyright’s counterparts and copyright’s future). A chapter on copyright collectives and the Copyright Board (the quasi-judicial tribunal that sets the fees charged by the collective societies that represent rights holders) has been added to the “Law” section. The higher courts’ review of Copyright Board rulings and the decision of many educational institutions to rely on fair dealing rather than renew their licences with the Access Copyright collective have made it important to understand the role of the board and collectives in Canada’s copyright regime. In the “Practice” section, separate chapters on websites and digital rights management have been combined into one chapter on digital media. The second edition maintains the same attractive presentation: shaded sidebars contain extracts from interviews or summaries of case law; provisions of the law are concisely presented in tables; and each chapter begins with a line drawing that sometimes pokes fun at the overreach of copyright – for example, the chapter on enforcement of owners’ rights starts with a “Wanted for Copyright Infringement” poster (p. 101).

The authors write in the first person, and their style is informal and chatty. As one would expect from two academics, the book is well documented, with many endnotes. As well, there is an extensive bibliography, a list of cases cited (with guidance on how to access them online), and a good index. Trosow’s blog, although not explicitly a companion to the book, will undoubtedly report on significant developments in Canadian copyright law.³

The authors do not attempt to disguise their pro-user perspective. As they say in their introduction, “creators ... need ample and affordable access to the works of others, to libraries, and to education” (p. xi). In contrast to Harris’s neutral tone, Murray and Trosow do not hesitate to comment on particular aspects of the law and to point out where law or practice falls short. For example, they describe new legal protection for so-called “digital locks” (technological protection measures such as encryption, passwords, or digital watermarks that limit access to, or use of, digital content, even for lawful purposes) as “troubling” (p. 116), and when discussing the high cost of rights clearance for film, they suggest that the CBC archives should make its holdings “available to the public for non-commercial use and on a sliding scale for commercial uses” (p. 157). They also suggest that fair dealing might cover the digitization of photo collections if owners cannot be located (pp. 99–100). Rather than dwell on the sometimes arcane details of copyright law, the authors place greater emphasis on exploring the reasons for copyright and the ways in which the provisions help or hinder broader public policy goals. They attempt to empower the user to question statements by copyright owners and to make extensive use of broadly conceived user rights such as fair dealing.

3 Sam Trosow (blog), <http://samtrosow.wordpress.com/>.

The foregoing describes the organization and content of these volumes. It remains to evaluate their usefulness for information professionals. To do so, I compared their respective treatments of the following specific issues: the changes related to photographs, fair dealing, and “digital locks.” Since users are more likely to consult these books when facing a specific copyright problem (rather than to read them cover to cover), this approach gave me a chance to check out their indexes, both of which are first-rate.

Compared with other works such as novels, paintings, or musical compositions, photographs have received lower levels of copyright protection (shorter terms and different ownership rules). However, the 2012 amendments mean that photos taken since the amendments came into force have the same ownership and term rules as other works. Yet some fairly complicated transitional rules mean that the old ownership rules stay with us until copyright expires in certain photos taken before 7 November 2012. For example, the photographer now owns the copyright in a commissioned photo, but the old rule (that the person who ordered the photo owns the copyright) continues to apply to commissioned photos taken before 7 November 2012. Those who manage photo collections need such details to administer copyright in their collections. Harris summarizes these rules (pp. 106, 113, 127–8); Murray and Trosow do not mention the transitional rules (pp. 51, 150).

Fair dealing has seen big changes as a result of both statutory amendments and case law. Education, parody, and satire have been added to the purposes of fair dealing. More significantly, the Supreme Court’s 2004 landmark decision in *CCH Canadian Ltd. v. Law Society of Upper Canada*⁴ and subsequent SCC decisions in 2012 have consistently interpreted fair dealing as an essential component of the copyright “balance” between owners’ rights and users’ rights. Both authors discuss these events as part of their treatment of limitations on owners’ rights (Harris, pp. 63–68; Murray and Trosow, pp. 73–83); Murray and Trosow also discuss fair dealing throughout the book, particularly in many of the sector-specific chapters in the “Practice” section.

One of the most contentious amendments was the addition of the so-called “digital locks” provisions, which prohibit the circumvention of technological protection measures (TPMs). Harris describes them briefly (pp. 222, 230) and (surprisingly) refers readers to Section 41 of the statute for “a complete understanding of TPM in Canada” (p. 335).⁵ Murray and Trosow unpack the section, which includes both access controls and use controls, and explore the implications for users (pp. 113–17).

4 *CCH Canadian Ltd. v. Law Society of Upper Canada*, 2004 SCC 13, <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2125/index.do> (accessed 6 February 2014).

5 Section 41 comprises more than eight pages in the print version of the Act, and reading it will not necessarily provide complete enlightenment regarding TPMs.

As the foregoing examples demonstrate, the books differ in approach, tone, and purpose, and each has different strengths. Harris aims to provide a comprehensive, concise, and objective overview of Canadian copyright law. Murray and Trosow do not claim to be comprehensive; instead, they cover selected topics, often in some depth, although they fall short on the details of the law. In some cases, Harris provides more detail. Nor do Murray and Trosow claim to be objective – their stance is clearly pro-user, and they are prepared to state their opinions and speculate about the interpretation of certain provisions in new ways that make more copyright-protected material legally available for use.

Rapid technological change has completely altered the copyright landscape, and applying copyright in the digital environment continues to be a challenge. Information professionals ignore copyright at their peril. For that reason, both books deserve a place on the Canadian information professional's bookshelf. One can never have too many copyright resources readily available, and these new editions are a welcome and accessible addition to support our understanding of copyright.

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The Story Behind the Book: Preserving Authors' and Publishers' Archives. LAURA MILLAR. Vancouver: Canadian Centre for Studies in Publishing, 2009. 224 pp. ISBN 978-0-9738727-4-3.

In this smoothly written book, Laura Millar presents a concise introduction to archives, archivists, and basic records management, gearing it to the needs of authors and others in the publishing field. This work expands on Millar's slim 1989 volume, *Archival Gold: Managing & Preserving Publishers' Records*, also issued by the Canadian Centre for Studies in Publishing at Simon Fraser University. Though now a few years old, the current work will still be a welcome guide for authors who are considering donating their archives to a repository or just wondering what to do with their accumulated materials.

Millar is well prepared to connect authors, publishers, and archives. She began her work in publishing as an undergraduate intern with the University of British Columbia Press, where, as she explains in the preface, she “spent an inordinate amount of time sorting the manuscripts shelf, creating new file folders, and organizing authors' correspondence” (p. 7). Encouraged by her supervisor at the Press, Millar applied to the nascent Master of Archival Studies program at the University of British Columbia, becoming its first graduate in 1984. She continued to work in archives and publishing, establishing a career as both a freelance editor and archival consultant that now spans more than three decades.